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ENVIRONMENTAL

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FINDING OF NO SIGNIFICANT IMPACT

ON THE

ENVIRONMENTAL ASSESSMENT AND
"NATIONWIDE" SECTION 4(F) EVALUATIONS

FOR THE

DODSON - EAST PROJECT

STATE DOCUMENTS COLLECTION

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JUN 27 2005

PHILLIPS COUNTY, MONTANA

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THE FEDERAL HIGHWAY ADMINISTRATION HAS DETERMINED THAT THIS PROJECT WILL NOT HAVE A SIGNIFICANT IMPACT ON THE HUMAN ENVIRONMENT. THIS FINDING OF NO SIGNIFICANT IMPACT IS BASED ON THE ATTACHED SUMMARY OF FINAL COORDINATION, THE ENVIRONMENTAL ASSESSMENT AND "NATIONWIDE" SECTION 4(F) EVALUATION, AND INPUT FROM PAST PUBLIC MEETINGS HELD TO DISCUSS THE PROJECT. THIS FINDING HAS BEEN INDEPENDENTLY EVALUATED BY THE FEDERAL HIGHWAY ADMINISTRATION AND DETERMINED TO ADEQUATELY AND ACCURATELY DISCUSS THE NEED, ENVIRONMENTAL ISSUES AND IMPACTS OF THE PROPOSED PROJECT AND APPROPRIATE MITIGATION MEASURES. IT PROVIDES SUFFICIENT EVIDENCE AND ANALYSIS FOR DETERMINING THAT AN ENVIRONMENTAL IMPACT STATEMENT IS NOT REQUIRED. THE FEDERAL HIGHWAY ADMINISTRATION TAKES FULL RESPONSIBILITY FOR THE ACCURACY, SCOPE AND CONTENT OF THE SUMMARY OF FINAL COORDINATION AND ITS ATTACHMENTS.

Federal Highway Administration

Date: 2-27-2003

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MAR 03 2003

ROBERT PECCIA
ASSOCIATES

Summary of Final Coordination

Dodson-East Environmental Assessment and "Nationwide" *Section 4(f)* Evaluations

This document summarizes the final coordination activities undertaken by the MONTANA DEPARTMENT OF TRANSPORTATION (MDT) to complete the Environmental Assessment (EA) and "Nationwide" *Section 4(f)* Evaluation for reconstruction of 7.2 km (4.5 miles) of U.S. Highway 2 immediately east of the Town of Dodson, Phillips County, Montana. This document contains revisions to the EA distributed during December 2002.

Publishing a "Summary of Final Coordination" affords MDT the opportunity to: (1) formally respond to written comments during the public availability period for the EA; (2) enhance the EA by more clearly describing the proposal and providing current information; and (3) provide a completed Nationwide *Section 4(f)* Evaluations for the minor effects the proposed highway reconstruction would cause to the BNSF Railway Overpass Site.

Public Notice and Availability of EA

The FEDERAL HIGHWAY ADMINISTRATION (FHWA) approved the EA and "Nationwide" *Section 4(f)* Evaluations for the Dodson-East project for public availability on November 25, 2002. The document was then distributed to local, state, and federal agencies and made available to interested members of the public. Copies of the EA were mailed to all agencies and persons on the Circulation List prior to December 11, 2002.

Notices announcing the availability of the EA and "Nationwide" *Section 4(f)* Evaluations and Opportunity for a Public Hearing were published on December 5, 2002 in the *Phillips County News* and the *Glasgow Courier*. A similar notice was published on December 11, 2002 on MDT's website (www.mdt.state.mt.us). A copy of the notice of the EA's availability and opportunity for a public hearing as published in these newspapers is provided as **Attachment 1**.

MDT's Notice of Availability and a transmittal note included with each EA document advised interested agencies and the public that comments on the EA were due by January 15, 2003.

MDT made copies of the EA available for public review beginning December 11, 2002 at the following locations:

Montana Department of Transportation
Glendive District Office
503 North River Avenue
Glendive, MT 59330

Phillips County Public Library
10 S 4th St. E
Malta, MT 59538

Montana Department of Transportation
Environmental Services
2701 Prospect Avenue
Helena, MT

Mayor of Dodson/Town Clerk
Dodson, MT

Montana State Library
1515 E. Sixth Avenue
Helena, MT 59620

Further, the EA and other information about the project was made available for viewing on Robert Peccia & Associate's Internet website at www.rpa-hln.com (from the "News and Info" link) beginning December 11, 2002.

No requests for copies of the EA were received as a result of public notices announcing the availability of the document.

Opportunity for a Public Hearing

MDT's Notice of Availability for the EA also announced an Opportunity for a Public Hearing on the proposed Dodson-East project. The notice indicated that a public hearing could be requested to discuss the findings of the EA and scope of the proposed reconstruction projects by contacting Bill McChesney, MDT's Glendive District Administrator.

MDT did not receive any requests to hold a public hearing from representatives of interested agencies or the general public.

Written Comments Received on the EA

MDT received one (1) written comment on the Dodson-East EA and Nationwide Programmatic Section 4(f) Evaluations during the public availability and review period. On January 10, 2003, the Montana Department of Environmental Quality (MDEQ) submitted a letter with comments on the EA.

Key comments from the MDEQ's letter are presented below and are shown in ***bold and italicized text***. Where appropriate, MDT's responses follow each italicized comment. A copy of MDEQ's January 10, 2003 letter is provided in **Attachment 2**.

The MDT should consider discussing the "historic" impacts to the floodplain from the transportation corridor. It appears from the map on page 35 that the highway and railroad encroached into the floodplain when they were constructed. The proposed alignment/alternative will perpetuate these impacts.

RESPONSE: Transportation facilities have encroached upon the floodplain of the Milk River, Dodson Creek, and Spring Coulee since the construction of the St. Paul, Minneapolis & Manitoba Railway (later known as the Great Northern Railway) through the area in 1887. As indicated by the construction date for the BNSF Railroad overpass near the end of the Dodson-

East project, this section of U.S. Highway 2 dates to the mid-1930's. Therefore, transportation facilities have encroached upon the river's floodplain in this area for more than 115 years.

The entire Dodson-East project area and much of the Milk River Valley near Dodson lie within delineated floodplains. However, the BNSF Railway, the existing highway, and the proposed highway alignment are not within the floodway of the Milk River and adequate crossings have been built where transportation facilities cross Dodson Creek and Spring Coulee. Reconstructing the highway on the proposed new alignment would cause minor localized changes in flooding patterns and would have a minor influence on the direction of floodwaters from the Milk River. At worst, this area would likely be subject to shallow flooding and waters moving at low velocities. This would be no change from the type and magnitude of flooding risk that presently exists in the area.

MDT acknowledges that this project would perpetuate the "historic" encroachment on local floodplains caused by the development of transportation facilities through this area. However, as stated in the EA, MDT does not believe that the floodplain impacts associated with the Preferred Alternative would be significant since the new road would be built across the northern fringe of the delineated floodplain and existing surface drainages would be perpetuated. Modeling has already been performed for various drainages within the floodplain to establish the hydraulic characteristics and conditions that must be maintained. This work has not indicated that the Preferred Alternative has the potential to cause notable adverse floodplain impacts or an increased risk of flooding and property damage.

Necessary Changes to the Text of the EA

Together with the EA distributed in December 2002, this Summary of Final Coordination (with all its attachments), constitute the Revised EA and Nationwide *Section 4(f)* Evaluations for the Dodson-East project. The attached Finding of No Significant Impact (FONSI) was made based on the information provided in MDT's initial EA and this Summary of Final Coordination. The following specific changes should be made to the EA previously distributed based on comments received by MDT or the availability of new project information.

Page 29

The Farmland Conservation Impact Rating form (#AD-1006) was completed for this project on February 11, 2003 and is included as **Attachment 3** in this Summary of Final Coordination.

The last paragraph under **2. Impacts to Important Farmland, Impacts of the Preferred Alternative** was revised to reflect the completion of the Farmland Conservation Impact Rating form (#AD-1006) for the proposed project. The last paragraph now reads:

A Farmland Conservation Impact Rating form (#AD-1006) was processed for the proposed highway improvement project in accordance with the FPPA. As required, the NRCS completed Parts II, IV, or V of the form during February 2003 and MDT subsequently completed Parts VI and VII of the form. The *Total Points* for the Dodson-East project was calculated to be 149.2. Since this total is less than 160 points, no further

consideration for protection is necessary and no additional Important Farmlands evaluations are required. The completed form was not submitted to the NRCS but a copy has been retained in the project file.

Page 34

Two new paragraphs were inserted after the second paragraph under **4. Floodplain Impacts, Impacts of the Preferred Alternative** that address comments received from the Montana Department of Environmental Quality (MDEQ) about the perpetuation of "historic" impacts to the floodplain in the Dodson-East project area. The new paragraphs read as follows:

Transportation facilities have encroached upon the floodplain of the Milk River, Dodson Creek, and Spring Coulee since the construction of the St. Paul, Minneapolis & Manitoba Railway (later known as the Great Northern Railway) through the area in 1887. As indicated by the construction date for the BNSF Railroad overpass near the end of the Dodson-East project, this section of U.S. Highway 2 dates to the mid-1930's. Therefore, transportation facilities have encroached upon the river's floodplain in this area for more than 115 years.

The entire Dodson-East project area and much of the Milk River Valley near Dodson lie within delineated floodplains. However, the BNSF Railway, the existing highway, and the proposed highway alignment are not within the floodway of the Milk River and adequate crossings have been built where transportation facilities cross Dodson Creek and Spring Coulee. Reconstructing the highway on the proposed new alignment would cause minor localized changes in flooding patterns and would have a minor influence on the direction of floodwaters from the Milk River. At worst, this area would likely be subject to shallow flooding and waters moving at low velocities. This would be no change from the type and magnitude of flooding risk that presently exists in the area.

Page 63

The second paragraph under **8. Impacts to Cultural, Archaeological, and Historical Resource, Impacts of the Preferred Alternative (Impacts to Historic Bridges)** was revised to reflect that the BNSF Railway Overpass will not be offered for adoption. The paragraph now reads as follows:

The existing BNSF Railway Overpass would be demolished and removed after construction of the proposed project. Prior to its demolition, MDT would record the overpass structure to HISTORIC AMERICAN ENGINEERING RECORD (HAER) standards. MDT does not intend to offer the overpass for adoption. MDT reached this decision because the existing bridge cannot be feasibly moved to another location due to its large size and concrete construction. Adoption in place is not a viable option for preservation because the approaches to the bridge would be removed as part of the project and the old structure would serve no useful purpose if left standing.

Page 64

The second bullet item under **Mitigation Measures (Cultural Resources)** was revised to indicate that the BNSF Railway Overpass will not be offered for adoption. The item now reads:

- *MDT will conduct HAER-level recordation for the BNSF Railway Overpass structure prior to its demolition.*

APPENDIX B

The Farmland Conservation Impact Rating form (#AD-1006) included with the EA distributed in December 2002 was replaced with the form completed for this project on February 11, 2003. A copy of the Farmland Conservation Impact Rating is included as **Attachment 3** in this Summary of Final Coordination.

APPENDIX C

The "Nationwide" Programmatic *Section 4(f)* Evaluation for Historic Bridges written for the BNSF Railway Overpass was revised to reflect that the structure would not be advertised for adoption. The revised form is provided as **Attachment 4** in this Summary of Final Coordination.



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Attachments

The following items are provided as attachments to this Summary of Final Coordination.

- | | |
|---------------------|---|
| Attachment 1 | MDT's Notice of Availability for the EA and Opportunity for Public Hearing on the Dodson-East Project as published in area newspapers. |
| Attachment 2 | January 10, 2003 letter from Tom Ellerhoff, Montana Department of Environmental Quality with comments about the perpetuation of "historic" impacts to the floodplain caused by transportation facilities in the project corridor. |
| Attachment 3 | Completed Farmland Conversion Impact Rating form. |
| Attachment 4 | "Nationwide" Programmatic <i>Section 4(f)</i> Evaluation For Historic Bridges |

Attachment 1

MDT NOTICE OF AVAILABILITY
Environmental Assessment and Nationwide Section 4(f) Evaluations
and Opportunity for Public Hearing
DODSON-EAST Project

The MONTANA DEPARTMENT OF TRANSPORTATION (MDT) has prepared an Environmental Assessment (EA) and Nationwide Section 4(f) Evaluations for improvements to 4.5 miles of U.S. Highway 2 in Phillips County. This route is part of the National Highway System (NHS) in Montana. The EA discusses the proposed reconstruction activities and environmental impacts associated with MDT's pending Dodson-East project.

The EA evaluates two alternatives in detail: a "No Action" alternative and a MDT's "Preferred Alternative." The Preferred Alternative would improve the existing road's horizontal and vertical alignments and provide a wider roadway surface. Improvements such as curb and gutter, sidewalks, and crosswalk striping would be constructed within Dodson. MDT proposes to rebuild about 1.4 miles of U.S. Highway 2 within the project area immediately south of the Dodson North Canal due to the canal's proximity to existing road and the associated safety concerns for highway users. A new railroad overpass for U.S. Highway 2 would be constructed at the east end of the proposed project.

The Nationwide Section 4(f) Evaluations document compliance with the U.S. DEPARTMENT OF TRANSPORTATION ACT regarding impacts to historic properties including the Dodson Pump Canal Wasteway and the existing Burlington Northern Santa Fe Railway overpass.

Copies of this EA will be available for public review beginning December 11, 2002 at the following locations:

Montana Department of Transportation
Glendive District Office
503 N River Avenue/P.O. Box 890
Glendive, MT 59330-0890

Phillips County Public Library
10 S 4th St E
Malta, MT 59638

Contact Mayor or Town Clerk
Dodson, MT
(406) 383-4476 or (406) 383-4443

Montana Department of Transportation
Environmental Services
2701 Prospect Avenue
PO Box 201001
Helena, MT 59620-1001

To request a copy of the EA, contact Environmental Services, phone (406) 444-7228. The EA will also be available for viewing on Robert Peccia & Associate's Internet website at www.rpa-hln.com ("News and Info" link) beginning December 11, 2002.

MDT requests your written comments on the EA on this proposed project. Comments must be sent to Jean Riley, MDT Environmental Services, 2701 Prospect Avenue, P.O. Box 201001, Helena, MT 59620-1001 by **JANUARY 15, 2003**.

To request a public hearing on the proposed project, contact Bill McChesney, Glendive District Administrator, (406) 377-5296 or 1-888-689-5296.

Attachment 2



Montana Department of
ENVIRONMENTAL QUALITY

Judy Martz, Governor

P.O. Box 200901 • Helena, MT 59620-0901 • (406) 444-2544 • Website: www.deq.state.mt.us

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January 10, 2003

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ENVIRONMENTAL

Jean A. Riley, P.E.
Environmental Services
Montana Department of Transportation
P.O. Box 201001
Helena, MT 59620-1001

Dear Ms. Riley:

The Department of Environmental Quality (DEQ) reviewed the environmental assessment (EA) by the Montana Department of Transportation (MDT) for the proposed reconstruction of approximately 74.3 kilometers (46.2 miles) of U.S. Highway 2 from Dodson, MT, in Phillips County, continuing east for 4.5 miles.

After reviewing the EA, the DEQ staff had the following comment:

The MDT should consider discussing the "historic" impacts to the floodplain from the transportation corridor. It appears from the map on Page 35 that the highway and railroad encroached into the floodplain when they were constructed. The proposed alignment alternative will perpetuate these impacts.

Thank you for the opportunity to review the EA. If you have any questions regarding DEQ's comments please contact Jeff Ryan, Water Protection Bureau (444-4625), or me.

Sincerely,

Tom Ellerhoff
Administrative Officer
444-5260

Attachment 3

U.S. Department of Agriculture

FARMLAND CONVERSION IMPACT RATING

PART I (To be completed by Federal Agency)		Date of Land Evaluation Request		October 30, 2002	
Name of Project DODSON-EAST Project F 1-8 (15) 454; Control No. 1516		Federal Agency Involved U.S. DOT Federal Highway Administration/ Montana Department of Transportation			
Proposed Land Use Highway Reconstruction and New R/W Acquisition		County and State Phillips County, Montana			
PART II (To be completed by SCS)		Date Request Received by SCS January 28, 2003			
Does the site contain prime, unique, statewide or local important farmland? (If no, the FPPA does not apply - do not complete additional parts of this form).		Yes	No	Acres Irrigated	Average Farm Size
			X	N/a	4045
Major Crop(s) Spring Wheat	Farmable Land in Govt. Jurisdiction Acres: 1,089,666 33.1 %	Amount of Farmland As Defined in FPPA Acres: 725,449 22.0 %			
Name of Land Evaluation System Used National	Name of Local Site Assessment System n/a	Date Land Evaluation Returned by SCS February 11, 2003			
PART III (To be completed by Federal Agency) Land Evaluation Information		Alternative Site Rating			
		Proposed Action	Site B	Site C	No-Action
A. Total Acres To Be Converted Directly (New Right-of-Way thru Farmland)		75.5	N/A	N/A	0.0
B. Total Acres To Be Converted Indirectly		0.0	N/A	N/A	0.0
C. Total Acres in Site (Estimated Total Right-of-Way Area)		99.9	N/A	N/A	70.4
PART IV (To be completed by SCS) Land Evaluation Information					
A. Total Acres Of Prime And Unique Farmland		0			
B. Total Acres Of Statewide or Local Important Farmland		94.8			
C. Percentage Of Farmland in County or Local Govt. Unit To Be Converted		.013			
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value		87.2			
PART V (To be completed by SCS) Land Evaluation Criterion Relative Value Of Farmland To Be Converted (Scale of 0 to 100 Points)		77.2			
PART VI (To be completed by Federal Agency) Site Assessment Criteria (These criteria are explained in 7 CFR 658.5(b))		Maximum Points			
1. Area in Nonurban Use	15	15			
2. Perimeter in Nonurban Use	15	15			
3. Percent of Site Being Farmed	20	15			
4. Protection Provided by State and Local Government	20	0			
5. Distance From Urban Builtup Area	N/A	N/A			
6. Distance to Urban Support Services	N/A	N/A			
7. Size of Present Farm Unit Compared to Average	10	15			
8. Creation of Nonfarmable Farmland	20	15			
9. Availability of Farm Support Services	5	0			
10. On-Farm Investments	20	15			
11. Effects of Conversion on Farm Support Services	20	0			
12. Compatibility With Existing Agricultural Use	15	0			
TOTAL SITE ASSESSMENT POINTS		160	72		
PART VII (To be completed by Federal Agency)					
Relative Value Of Farmland (From Part V)		100	77.2		
Total Site Assessment (From Part VI above or a local Site assessment)		160	72		
TOTAL POINTS (Total of above 2 lines)		260	149.2		
Site Selected: Proposed Action (Preferred Alternative)		Date of Selection 2-13-03	Was a Local Site Assessment Used? Yes ☐ No ☐		
Reason For Selection: No Action does not meet purpose and need for this project.					

STEPS IN PROCESSING THE FARMLAND CONVERSION IMPACT RATING FORM

Step 1 - Federal agencies involved in proposed projects that may convert farmland, as defined in the Farmland Protection Policy Act (**FPPA**) to nonagricultural uses, will initially complete Parts I and III of form.

Step 2 - Originator will send copies A, B, and C together with maps indicating locations of site(s), to the Soil Conservation Service (SCS) local field office and retain copy D for their files. (Note: SCS has a field office in most counties in the U.S. The field office is usually located in the county seat. A list of field office locations are available from the SCS State Conservationist in each state).

Step 3 - SCS will, within 45 calendar days after receipt of form, make a determination as to whether the site(s) of the proposed project contains prime, unique, statewide or local important farmland.

Step 4 - In cases where farmland covered by the **FPPA** will be converted by the proposed project, SCS field offices will complete Parts II, IV, and V of the form.

Step 5 - SCS will return copy A and B of the form to the Federal agency involved in the project. Copy C will be retained for SCS records.

Step 6 - The Federal agency involved in the proposed project will complete Parts VI and VII of the form.

Step 7 - The Federal agency involved in the proposed project will make a determination as to whether the proposed conversion is consistent with the **FPPA** and the agency's internal policies.

INSTRUCTIONS FOR COMPLETING THE FARMLAND CONVERSION IMPACT RATING FORM

Part I: In completing the "County and State" questions list all the local governments that are responsible for local land controls where site(s) are to be evaluated.

Part III: In completing item B (Total Acres to Be Converted Indirectly), include the following:

1. Acres not being directly converted but that would no longer be capable of being farmed after the conversion, because the conversion would restrict access to them.
2. Acres planned to receive services from an infrastructure project as indicated in the project justification (e.g. highways, utilities) that will cause a direct conversion.

Part VI: Do not complete Part VI if a local site assessment is used.

Assign the maximum points for each site assessment criterion as shown in § 658.5(b) of CFR. In cases of corridor-type projects such as transportation, powerline and flood control, criteria #5 and #6 will not apply and will be weighted zero, however, criterion # 8 will be weighted a maximum of 25 points, and criterion #11 a maximum of 25 points.

Individual Federal agencies at the national level, may assign relative weights among the 12 site assessment criteria other than those shown in the **FPPA** rule. In all cases where other weights are assigned, relative adjustments must be made to maintain the maximum total weight points at 160.

In rating alternative sites, Federal agencies shall consider each of the criteria and assign points within the limits established in the **FPPA** rule. Sites most suitable for protection under these criteria will receive the highest total scores, and sites least suitable, the lowest scores.

Part VII: In computing the "Total Site Assessment Points", where a State or local site assessment is used and the total maximum number of points is other than 160, adjust the site assessment points to a base of 160. Example: if the Site Assessment maximum is 200 points; and alternative Site "A" is rated 180 points:

$$\frac{\text{Total Points assigned to Site A}}{\text{Maximum points possible}} = \frac{180}{200} \times 160 = 144 \text{ points for Site "A"}$$

Attachment 4

MONTANA DIVISION

"NATIONWIDE" PROGRAMMATIC SECTION 4(f) EVALUATION FOR HISTORIC BRIDGES

Project #: F 1-8(15) 454; (P.M.S. C#1516)

Date: February 13, 2003

Project Name: Dodson - East

Description: BNSF Railway Overpass

Location: Phillips County, Montana

This proposed project would realign and widen approximately 7.2 km (4.5 miles) of US 2 east of the Town of Dodson. As part of the planned highway improvements, a new railroad overpass structure would be built to cross over the present day Burlington Northern Santa Fe Railway (BNSF) main line at RP 458.3 near the east end of the project. The new overpass would be located slightly north of the existing structure. The newly aligned section of US 2 would tie into the existing alignment about 400 m (1,300 feet) east of the present railroad overpass structure.

The existing overpass, built in 1936, is a 5-span, concrete structure that is 56.7 m (186 feet) long and 7.3 m (24 feet) wide. No NRHP-eligibility determination has been made for this structure under the terms of the existing Programmatic Agreement with the FHWA, the SHPO, and ACHP.

The attached Environmental Assessment (EA) includes maps, text, and photographs describing the proposed project and the location of the BNSF Railway Overpass.

NOTE: Any response in a box will require additional information, and may result in an individual evaluation/statement. Consult the "Nationwide" Section 4(f) Evaluation procedures.

	<u>YES</u>	<u>NO</u>
1. Is the bridge a NATIONAL HISTORIC LANDMARK?	☐	☒
2. Have agreements been reached through the procedures pursuant to <i>Section 106</i> of the <i>National Historic Preservation Act (NHPA)</i> with the following:		
STATE HISTORIC PRESERVATION OFFICE (SHPO)?	☒	☐
ADVISORY COUNCIL ON HISTORIC PRESERVATION (ACHP)?	☒	☐
MDT's historic roads and bridges Programmatic Agreement with the FHWA, the SHPO, and ACHP was enacted in lieu of regular procedures for compliance with <i>Section 106</i> of the <i>NATIONAL HISTORIC PRESERVATION ACT</i> as applied only to historic roads and bridges in Montana.		
3. Any other agency/ies with jurisdiction at this location?	☒	☐
a) If "YES" will additional approval(s) for this <i>Section 4(f)</i> application be required?	☐	☒
b) List of agencies with jurisdiction at this location:		
USA - Corps of Engineers (<i>Section 404</i> Permit required)	☒	☐
USDA - Forest Service	☐	☒
USDA - Natural Resources Conservation Service (<i>FPPA</i>)	☒	☐
FEMA Regulatory Floodway (County Floodplain Development Permit)	☒	☐
MDFW&P - Parks Division	☐	☒
MDFW&P - Wildlife Division (wetlands)	☐	☒
MDFW&P - Fisheries Division - 124SPA permit required	☒	☐
MDNR&C (navigable rivers under state law)	☐	☒
MDNR&C (irrigation systems)	☐	☒
MDEQ - Air Quality Division	☐	☒
MDEQ - Permitting and Compliance - MPDES Compliance	☒	☐
Other:	☐	☒

NOTE: Any response in a box will require additional information, and may result in an individual evaluation/statement. Consult the "Nationwide" Section 4(f) Evaluation procedures.

ALTERNATIVES & FINDINGS

EACH of the following **ALTERNATIVES** for this proposed project have been evaluated to avoid the use of the historic bridge:

1. "Do Nothing."
2. Rehabilitate the existing bridge without affecting the historic integrity of the structure in accordance with the provisions of *Section 106* in the *NHPA*.
3. Construct the proposed bridge at a location where the integrity of the existing historic structure will not be affected as determined by the provisions of the *NHPA*.

The above **ALTERNATIVES** have been applied in accordance with this PROGRAMMATIC SECTION 4(f) EVALUATION and are supported by **EACH** of the following **FINDINGS**:

	<u>YES</u>	<u>NO</u>
1. The "Do Nothing" ALTERNATIVE has been evaluated and has been found to ignore the basic transportation need at this location.	<u>X</u>	☐
This ALTERNATIVE is neither feasible nor prudent for the following reasons:		
a) Maintenance — this ALTERNATIVE does not correct the structurally deficient condition and/or poor geometrics (clearances, approaches, visibility restrictions) found at the existing bridge. Any of these factors can lead to a sudden catastrophic collapse, and/or a potential injury including loss of life. Normal maintenance will not change this situation.	<u>X</u>	☐
b) Safety — this ALTERNATIVE also does not correct the situation which causes the existing bridge to be considered deficient. Because of these deficiencies, the existing bridge presents a serious and unacceptable safety hazard to the traveling public and/or places intolerable restrictions (gross vehicle weight, height, and/or width) on transport. The existing bridge has a Sufficiency Rating of 33.0 according to MDT's most recent bridge inspection report. The overpass does not meet MDT's standard for roadway width (12.0 m or greater) on NHS Routes.	<u>X</u>	☐
A copy of the MDT Bridge Bureau's Inspection Report for the bridge is attached. See APPENDIX C.	<u>X</u>	☐
2. The rehabilitation ALTERNATIVE has been evaluated with one or more of the following FINDINGS :	<u>YES</u>	<u>NO</u>
a) The existing bridge's structural deficiency is such that it cannot be rehabilitated to meet minimum acceptable load and traffic requirements without adversely affecting the structure's historic integrity.	<u>X</u>	___
b) The existing bridge's geometrics (height, width) cannot be changed without adversely affecting the structure's historic integrity.	<u>X</u>	___
c) This ALTERNATIVE does not correct the serious restrictions on visibility (approach geometrics, structural requirements) which also contributes to an unsafe condition at this location.	<u>X</u>	___
Is this rehabilitation ALTERNATIVE therefore considered to be feasible and/or prudent based on the preceding evaluations?	☐	<u>X</u>

ALTERNATIVES & FINDINGS (continued)

NOTE: Any response in a box will require additional information, and may result in an individual evaluation/statement. Consult the "Nationwide" Section 4(f) Evaluation procedures.

YES **NO**

3. The relocation **ALTERNATIVE**, in which the new bridge has been moved to a site that presents no adverse effect upon the existing structure has also been considered under the following **FINDINGS**:

- a) Terrain and/or local geology. The present structure is located at the only feasible and/or prudent site for the bridge on the existing route. Relocating to a new site — either up-, or downstream of the preferred location — will result in extraordinary bridge/approach engineering and associated construction costs.

— X

The preferred site is the only prudent location due to the terrain and/or geologic conditions in the general vicinity.

— X

Any other location would cause extraordinary disruption to existing traffic patterns.

— X

- b) Significant social, economic and/or environmental impacts. Locating the proposed bridge in other than the preferred site would result in significant social/economic impacts such as the displacement of families, businesses, or severing of prime/unique farmlands.

— X

Significant environmental impacts such as the extraordinary involvement in wetlands, regulated floodplains, or habitat of threatened/endangered species are likely to occur in any location outside the preferred site.

— X

- c) Engineering and economics. Where difficulty/ies associated with a new location are less extreme than those listed above, the site may still not be feasible and prudent where costs and/or engineering difficulties reach extraordinary magnitudes. Does the **ALTERNATE** location result in significantly increased engineering or construction costs (such as a longer span, longer approaches, etc.)?

— X

- d) Preservation of existing historic bridge may not be possible due to either or both of the following:

the existing structure has deteriorated beyond all reasonable possibility of rehabilitation for a transportation or alternative use;

— X

no responsible party can be located to maintain and preserve the historic structure.

— X

MDT does not intend to offer the overpass for adoption. MDT reached this decision because the existing bridge cannot be feasibly moved to another location due to its large size and concrete construction. Adoption in place is not a viable option for preservation because the approaches to the bridge would be removed as part of the project and the old structure would serve no useful purpose if left standing.

Therefore, in accordance with the previously-listed FINDINGS it is neither feasible nor prudent to locate the proposed bridge at a site other than the preferred **ALTERNATE** as described.

— [X]

MDT has identified a viable alignment for a new overpass just north of the existing structure.

MEASURES TO MINIMIZE HARM

NOTE: Any response in a box will require additional information, and may result in an individual evaluation/statement. Consult the "Nationwide" Section 4(f) Evaluation procedures.

This "Nationwide" Programmatic Section 4(f) Statement applies only when the following **Measures to Minimize Harm** have been assured; a check in a box MAY void the Programmatic application — if so, a full Section 4(f) Evaluation will be required:

YES **NO**

1. Is the bridge being rehabilitated under this proposed project?

_____ X

Rehabilitating this bridge was eliminated from further consideration since this alternative would not provide a facility capable of accommodating MDT's standard roadway width of 12.0 m (or greater) for NHS Routes. Rehabilitating the existing overpass is not a viable action based on MDT's decision to shift the location of US 2 in the vicinity of the overpass.

If "YES", is the historic integrity of the structures being preserved to the greatest extent possible; consistent with unavoidable transportation needs, safety, and load requirements?

Not applicable

NOTE:

If "NO", refer to item 2., following, to determine Programmatic applicability.

2. The bridge is being replaced, or rehabilitated to the point where historic integrity is affected. Are adequate records being made of the existing structures under HISTORIC AMERICAN ENGINEERING RECORD standards, or other suitable means developed through consultation with SHPO and the ACHP?

X []

MDT will record the structure to HAER standards prior to the bridge's demolition.

3. If the bridge is being replaced, is the existing structure being made available for alternative use with a responsible party to maintain and preserve same?

_____ [X]

MDT does not intend to offer the overpass for adoption because the existing bridge cannot be feasibly moved to another location due to its size and construction. Adoption in place is not a viable option for preservation because the approaches to the bridge would be removed and the old structure would serve no useful purpose if left standing.

4. If the bridge is being adversely affected, has agreement been reached through the *Section 106* process of the *National Historic Preservation Act* on these **Measures to Minimize Harm** (which will be incorporated into the proposed project) with the following:

X []

Programmatic Agreement Implementing the Roads and Bridges Preservation Plan (copy attached)

COORDINATION

There has been additional **COORDINATION** with the following agencies regarding this proposed project (other than those listed previously):

City/County government: **Yes, meetings with Dodson Town Council during project development.**
Local historical society:
Adjacent property owners: **Yes, individual landowner contacts by MDT during project development.**
Others:

This proposed project is also documented as an **Environmental Assessment** under the requirements of the *National Environmental Policy Act (42 U.S.C. 4321, et seq.)*.

SUMMARY

The No Build Alternative does not satisfy the specified purpose and need for improvements within the Dodson-East project area. The existing overpass is nearly 70 years old and has a Sufficiency Rating of 33.0 (see Part II in the EA). The No Build Alternative does not meet the traveling public's needs because it fails to provide a facility capable of meeting MDT's standard roadway width of 12.0 m or greater for NHS Routes and would not improve the alignment of US 2 on the approaches to the railroad overpass.

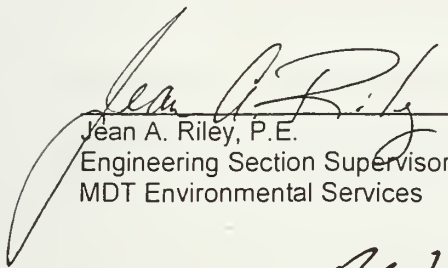
Rehabilitating the existing overpass is not a viable action based on MDT's decision to shift the location of US 2 west of the overpass.

MDT concluded that building a new railroad overpass slightly north of the present structure was the only viable alternative for the Dodson-East project. Because the existing bridge will not be offered for adoption, this proposed project would result in the demolition (or use) of the old BNSF Railway overpass.

The proposed action meets all criteria regarding the required **ALTERNATIVES, FINDINGS, and MEASURES TO MINIMIZE HARM** which will be incorporated into this proposed project. All possible planning to minimize harm to 24MA1696 has been undertaken. This proposed project therefore complies with the July 5, 1983 Programmatic Section 4(f) Evaluation by the U.S. DEPARTMENT OF TRANSPORTATION's Federal Highway Administration.

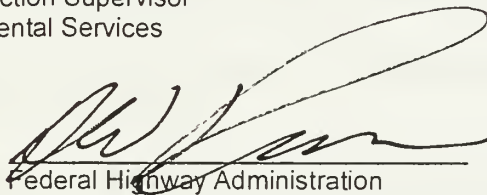
APPROVAL

This document is submitted pursuant to **49 U.S.C. 303** and in accordance with the provisions of **16 U.S.C. 470f**.


Jean A. Riley, P.E.
Engineering Section Supervisor
MDT Environmental Services

Date: 2/19/03

Approved:


Federal Highway Administration

Date: 2-27-2003

ATTACHMENT

**PROGRAMMATIC AGREEMENT
AMONG
THE FEDERAL HIGHWAY ADMINISTRATION
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
AND
THE MONTANA STATE HISTORIC PRESERVATION OFFICE
AFFECTING HISTORIC ROADS AND BRIDGES
IN MONTANA**

WHEREAS, the Federal Highway Administration, Montana Division (FHWA), proposes to make Federal funding available to the Montana Department of Transportation (MDT) for that agency's ongoing program to construct or rehabilitate highways and bridges, and

WHEREAS, the FHWA has determined that this federally-assisted program may have an effect upon a certain class of properties included in or eligible for inclusion on the National Register of Historic Places and has consulted with the Advisory Council on Historic Preservation (Council) and the Montana State Historic Preservation Office (SHPO) pursuant to Section 800.13 of the regulations (36 CFR Part 800) implementing Section 106 of the National Historic Preservation Act (16 U.S.C.470f); and

WHEREAS, the FHWA and the MDT have developed a Historic Preservation Plan regarding roads and bridges and that document has been subject to review under 36 CFR 800.13 and has been agreed to by FHWA, SHPO and the Council; and

WHEREAS, the MDT participated in the consultation and has been invited to concur in this Programmatic Agreement;

NOW THEREFORE, the FHWA, the Council, and the Montana SHPO agree that the program addressed in this Programmatic Agreement shall be administered in accordance with the following stipulations to satisfy the FHWA's Section 106 responsibility for all individual undertakings of the program.

Stipulations

The FHWA will ensure that the following measures are carried out:

- 1) The FHWA and MDT will implement the Roads and Bridges HPP in lieu of compliance with 36 CFR § 800.4 through 800.6.
- 2) This Programmatic Agreement will remain in force for as long as the roads and bridges HPP is in force or unless Stipulation 9 of this Agreement is invoked.
- 3) FHWA will carry out the existing MOA's to preserve or record historic bridges that are now scheduled for replacement.

- 4) The MDT will prepare a report annually on its implementation of the HPP, and provide this report to the FHWA, Montana SHPO and the Council for review, comment and consultation as needed.
- 5) The Council and the SHPO may monitor activities carried out pursuant to this Programmatic Agreement, and the Council will review such activities if so requested by a signatory to this Agreement or by a member of the public. FHWA will cooperate with the Council and the SHPO in carrying out their monitoring and review responsibilities as stipulated in 36 CFR 800.13
- 6) Any party to this Programmatic Agreement may request that it be amended, whereupon the parties consult in accordance with 36 CFR 800.13 to consider such an amendment.
- 7) Any party to this Programmatic Agreement may terminate it by providing, in writing, forty-five (45) days notice to the other parties, provided that the parties will consult during the period prior to termination to seek arrangement on amendments or other actions that would avoid termination. In the event of termination, FHWA will comply with 36 CFR Part 800.4 through 800.6 with regard to individual undertakings covered by this Programmatic Agreement.
- 8) Should the Montana SHPO object within sixty (60) days to any stipulation pursuant to this Historic Preservation Plan, the FHWA shall consult with the objecting party to resolve the objection. If the FHWA determines that the objection cannot be resolved, the FHWA shall forward all documentation relevant to the dispute to the Council. Within thirty (30) days after receipt of all pertinent documentation, the Council will either:
 1. provide the FHWA and Montana SHPO with recommendations, which the FHWA and Montana SHPO will take into account in reaching a final decision regarding the dispute; or
 2. notify the FHWA and Montana SHPO that it will comment pursuant to 36 CFR § 800.6(b), and proceed to comment. Any Council comment provided in response to such a request will be taken into account by the FHWA and Montana SHPO in accordance with 36 CFR § 800.6(c)(2) with reference only to the subject of the dispute; the FHWA and MDT's responsibility to carry out all actions under this Historic Preservation Plan that are not the subjects of the dispute will remained unchanged.
- 9) In the event that the FHWA does not carry out the terms of this Programmatic Agreement, the FHWA will comply with 36 CFR Sections 800.4 through 800.6 with regard to individual undertakings covered by this Programmatic Agreement. Execution and implementation of this Programmatic Agreement evidences that the FHWA has satisfied its Section 106 responsibilities for all individual undertakings of the program.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: _____ Date: _____

MONTANA DIVISION, FEDERAL HIGHWAY ADMINISTRATION

By: _____ Date: _____

MONTANA STATE HISTORIC PRESERVATION OFFICER

By: _____ Date: _____

CONCUR

MONTANA DEPARTMENT OF TRANSPORTATION

By: _____ Date: _____

